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REMARKS

Claims 1-16 are now pending in this application according to the proposed amendment. Further reconsideration of this application is requested.

The rejection of claims 1, 2 and 4-7 under 35 U.S.C. § 102(b) as being anticipated by Swennes et al., U.S. Patent No. 2,044,649 ("Swennes"), is respectfully traversed. First, contrary to the position taken in the Office action, Swennes does not disclose a spring element configured to transmit compression forces and tensile forces between a vehicle frame and a wheel axle. Instead, Swennes is directed to an engine mount for mounting an engine to a frame, see Figs. 7 and 8. Because anticipation under § 102 requires that every feature of a claimed invention be found in a single prior art reference, Swennes cannot anticipate claims 1, 2 or 4-7, and this ground of rejection therefore is improper as a matter of law and should be withdrawn.

Second, Swennes does not disclose a mechanical connection member extending through a rubber body and being arranged to limit distancing movement between a vehicle frame and a wheel axle, as required by claim 1. Contrary to the position of the Office action, safety hook 36 shown in Swennes Fig. 18 does not limit any movement between a vehicle frame and a wheel axle. Safety hooks 36 are provided by Swennes solely to prevent disassembly of the entire engine mount unit upon failure of the adhesive bonding of the rubber member with the cups (1, 39). See col. 6, lines 34-40. Thus, safety hooks 36 function to prevent a catastrophic malfunction wherein the entire engine would become dismounted from the frame. Again, safety hooks 36 do not function to limit distancing movement between a vehicle frame and a wheel axle as claimed.

Third, Swennes fails to disclose a coupling device comprising a first stub being designed such that a rotationally fixed, form-fit on said at least one of the vehicle frame and the wheel axle is obtained by means of the shape of the stub, as recited in claim 1 as proposed to be amended herein. Instead, Swennes requires the use of nut 13 as shown in Fig. 6 to prevent rotation of the engine mount unit with respect to the engine and/or frame.

Swennes further fails to anticipate newly proposed claims 8 and 12. Claim 8 requires a stub being shaped to correspond to a shape of a through-passage in one of

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said vehicle frame or said wheel axle such that when said stub is inserted into said through-passage, relative rotation between said stub and said through-passage is prevented, as shown in Fig. 3 of the present application. Swennes fails to disclose such a stub. Claim 12 requires a mechanical connection member including a first coupling device having a first U-shaped link element at one end thereof and a stub at the other end thereof extending through one of said pair of end plates, a second coupling device having a second U-shaped link element at one thereof, said second U-shaped link element being fixedly connected to the other of said pair of end plates, and a link member coupled between said first U-shaped link element and said second U-shaped link element, as shown in Figs. 1, 2 and 4 of the present application. Swennes fails to disclose such a mechanical connection member.

The rejection of claims 1 and 2 as being unpatentable over Thaung et al., U.S. Patent No. 4,615,513 ("Thaung") in view of Swennes also is respectfully traversed. Contrary to the position of the Office action, there is no teaching, suggestion or motivation in Swennes to have modified the Thaung force-transmitting element as proposed. In particular, Thaung discloses U-shaped shackles 20 securely fixed to end plates with nuts 24. The nuts 24 are not disclosed as coupling the connection member to one of a vehicle frame or a wheel axle. As such, there is no basis within the prior art to have substituted the bolt 37 of Swennes for the U-shaped shackle 20 disclosed by Thaung, as such components perform different functions and are not analogous.

Additionally, if the position of the Office action is interpreted to propose that one skilled in the art would have simply added the bolt 37 to the Thaung device, the claimed invention still would not be achieved, as separate bolts are required to attach the end plates of Thaung to the vehicle in any event (see paragraphs 0005 and 0006 of the present application), such that there exists no need to modify Thaung under such interpretation. Further, no combination of Swennes with Thaung discloses a stub being designed such that rotationally fixed form-fit on the frame or the wheel axle is obtained by means of the shape of the stub, as set forth in claim 1.

Similarly, no combination of Swennes with Thaung would result in the invention as set forth in claims 8-16.

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Finally, the rejection of claim 3 as being unpatentable over the proposed combination of Swennes with Damico, U.S. Patent No. 4,607,893 also is traversed. Damico relates to a bearing assembly for a machine slide, and in particular to obtaining a non-rotatable mounting of a bushing on a shaft by forming a flat surface 102 on the shaft 100 (Fig. 9) and machining a hole with a corresponding cross section in the bushing. As such, Damico is simply non-analogous to the engine mount of Swennes. Those skilled in the engine mount art would not have looked to the art of rectilinear machine slides to solve any perceived problem in the engine mount art. Secondly, even if Swennes were to be somehow modified in view of the disclosure of Damico, the resultant engine mount still would fail to disclose the features of the claimed invention as explained above. Consequently, this ground of rejection should be withdrawn.

Entry of this amendment is proper as it does not add any new matter to the application, nor does it seek to introduce any new issues beyond those already considered by the Examiner in the examination and search of original claims 1-7. As such, entry of this amendment is respectfully requested.

Conclusion

In view of the foregoing, claims 1-16 are submitted to be patentable over the prior art of record; further and favorable reconsideration of this application, withdrawal of the outstanding grounds of rejection, and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 14-1437 in the name of Novak Druce.

RESPECTFULLY SUBMITTED,			
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